

**MEMO ENDORSED**

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**December 20, 2023**

By ECF & E Mail Only

Hon. Dale E. Ho  
United States District Judge  
United States Courthouse  
Southern District of New York  
New York, New York

Re: *Alston et ano v. Centerpark Services LLC;*  
*Centerpark Management LLC; Centerpark LLC*  
Civil Action No. 23 Civ. 9362 (DEH)

Dear Judge Ho:

I am the attorney for the plaintiffs in this ERISA delinquent contributions proceeding. The defendants have neither appeared, nor answered. Clerk's Certificates Of Default for all of the defendants (Docs. # 11 & 13) were issued on December 4 and 5, 2023.

On October 25, 2023, the Court issued a Notice Of Initial Pretrial Conference (Doc. # 6). A Discovery Plan and Schedule are to be filed by January 11, 2024. The Initial Pretrial Conference is scheduled for 3:00 PM on January 16, 2024. Plaintiffs respectfully request that both events be adjourned *sine die*.

Defendants have finally contacted the plaintiffs, ERISA Funds and are discussing settlement and payment. If the defendants settle and pay, a Rule 41 Voluntary Dismissal will be filed. If defendants do not settle and pay, a motion for a Default Judgment will be filed. In either case, the January 11 and 16, 2024, dates would be obviated.

There have not been any prior requests for adjournments or extensions.

Very truly yours,

Application GRANTED in part.

The initial pretrial conference scheduled for January 16, 2024, at 3:00 p.m. EST (ECF No. 6) is ADJOURNED to **February 27, 2024, at 2:30 p.m. EST**. The parties shall dial in by calling (646) 453-4442 and entering the Phone Conference ID: 538 729 464, followed by the pound (#) sign. If the parties reach settlement, they shall file a notice of voluntary dismissal and the conference will be canceled. Otherwise, by **February 20, 2024**, the parties shall submit a joint letter and a proposed case management plan as specified in the Court's November 1, 2023 Order (ECF No. 25); and/or in the alternative, Plaintiff shall file a motion for default judgment.

Jeffrey S. Dubin

SO ORDERED.

The Clerk of Court is respectfully requested to close ECF No. 14.

Dale E. Ho  
United States District Judge  
Dated: December 20, 2023  
New York, New York